

BPS-31
October 27, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 04-3966

UNITED STATES OF AMERICA

v.

PAUL LUCAS
(W D/PA. Criminal No. 00-cr-00215)
(Criminal Treated As Civil)

Present: RENDELL, AMBRO and BECKER, Circuit Judges.

Submitted are:

- (1) Appellant's notice of appeal which this court may wish to construe as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellee's response; in the above-captioned case.

Respectfully,

Clerk

MMW/EAW/zm/crg

O R D E R

The foregoing request for a certificate of appealability is denied. For the reasons set forth by the District Court's Opinion, Appellant has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c).

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge

Dated: November 22, 2005
CRG/cc: Mr. Paul Lucas
Kelly R. Labby, Esq.